

RECEIVED
CENTRAL FAX CENTER

FEB 10 2006

60,246-300; 10,831

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Shah
Serial No.: 10/752,626
Filed: 1/7/2004
Art Unit: 3744
Examiner: Tanner, Harry B.
Title: **Serial Communicating HVAC System**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

Dear Sir:

Applicant again asks for reconsideration of the rejections of the claims over Kobayashi, et al.

In claim 1, applicant has disclosed and claimed a system wherein a thermostat incorporates a central control. A data bus communicates control signals from the central control to an indoor HVAC unit. This unit is operable to provide a heating function to air within an environment. The HVAC unit is provided with a control that directly controls an indoor HVAC unit, and which receives control signals on the data bus from the central control.

Kobayashi, et al. cannot reject this claim 1, in that its thermostat does not control any indoor HVAC unit. In fact, the only control connected to any element within its entire system would appear to be a control for a damper unit. Simply, Kobayashi, et al. cannot meet the claims. Applicant's explanation that Kobayashi, et al. is directed to a large building was not an attempt to distinguish it from the claims, but rather more of a statement to put in context what Kobayashi, et al. is trying to do. It is not providing the control required by the claims or this application.

60,246-300; 10.831

The claims dependent to claim 1 further recite other features that cannot be met by Kobayashi, et al.

Independent claim 10 requires a data bus that communicates signals from a central control to a control for an indoor HVAC unit. The data bus includes two control wires carrying distinct control signals and two power wires. The claim goes on to require an outdoor HVAC unit also provided with four such wires. The central control provides control signals to the outdoor HVAC unit to operate the outdoor HVAC unit and also to the indoor HVAC unit.

Simply, Kobayashi, et al. does not disclose anything sent over a data bus to an indoor or an outdoor HVAC unit.

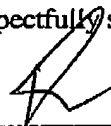
Again, the claims dependent to claim 10 recite further features that are not found in Kobayashi, et al.

Finally, independent claim 22 requires a central control, a thermostat and an indoor HVAC unit having its own control. A data bus communicates control signals from the central control to and from the thermostat and at least to the indoor HVAC unit. The indoor HVAC unit receives control signals on the data bus from the central control, and signals from the operator input switches being passed to the central control to generate control for the indoor HVAC unit over the data bus.

Again, Kobayashi, et al. does not disclose this means of communication.

The examiner appears to be arguing that he can take "official notice" or argue that all of this is merely some design choice. Such rejections are not proper. Applicant asks for reconsideration of these rejections at this time.

Respectfully submitted,



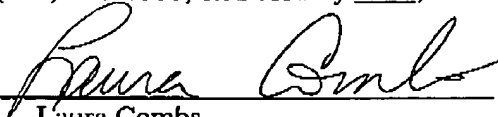
Theodore W. Olds, Reg. No. 33,080
Carlson, Gaskey & Olds
400 W. Maple Road, Ste. 350
Birmingham, MI 48009
(248) 988-8360

Dated: February 10, 2006

60,246-300; 10,831

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (571) 273-8300, on February 10, 2006.



Laura Combs